

Rec'd PCT/PTO 24 FEB 2005 #3

MAIL STOP PCT

Attorney Docket: 26430U

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: GAU: Unknown  
NISHIBE, et al. Examiner: Unknown  
International Application Number: PCT/JP2003/008410  
Serial Number: 10/519,484  
International Filing Date: 02 July 2003 (02.07.2003)  
Filed: December 30, 2004

Title: **CICLESONIDE-CONTAINING STERILE AQUEOUS SUSPENSION**

**TRANSMITTAL LETTER**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Information Disclosure Statement;
- (3) PTO Form 1449 with Nine (9) References cited;
- (4) Copies of Nine (9) References cited.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account Number 14-0112.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**

Date: February 24, 2005

By: 

**NATH & ASSOCIATES PLLC**  
1030 15<sup>th</sup> Street N.W., 6<sup>th</sup> Floor  
Washington, D.C. 20005-1503  
(202) 775-8383  
GMN/SMM/le

Gary M. Nath  
Registration Number 26,965  
Sheldon M. McGee  
Registration Number 50,454  
Customer Number 34375

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**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

[~~XXX~~] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

[ ] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.

The enclosed statement is accompanied by [check one]:

[ ] i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or

[ ] ii. a check in the amount required by 37 C.F.R. 1.17(p).

[ ] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.

[ ] Certification report(e) below; and

[ ] a check in the amount as required by 1.17(p).

[ ] d. The enclosed statement is being filed pursuant to

37 C.F.R. 1.97(i), for placement in the file.

[ ] e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

[ ] I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

[ ] I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

[ ] Appropriate certification is attached.

[~~xxx~~] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

[~~xxx~~] g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

[ ] Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

or

[ ] Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents

have been considered by the Examiner and made of record in this application.

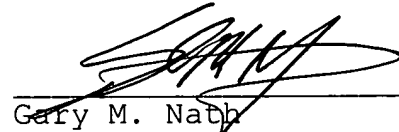
If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**

Date: February 24, 2005

By:



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1030 15<sup>th</sup> Street N.W., 6<sup>th</sup> Floor  
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FORM PTO-1449

**INFORMATION DISCLOSURE CITATION**Attorney Docket:  
26430USerial Number:  
10/519,484Inventor:  
NISHIBE, et al.Filing Date:  
December 30, 2004Group Art Unit:  
Unknown**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
A1	3,962,430	08 Jun. 1976	O'Neill			14 Jul. 1975

**FOREIGN PATENT DOCUMENTS**

	Document Number	Date	Country	Class	Sub-Class	Translation
A2	0 233 849 B1	19 Jun. 1991	EP			N/A
A3	62-192322	22 Aug. 1987	JP			No
A4	2001-48807	20 Feb. 2001	JP			No
A5	01/28562 A1	26 Apr. 2001	WO			N/A
A6	01/28563 A1	26 Apr. 2001	WO			N/A
A7	99/25359 A1	27 May 1999	WO			N/A
A8	99/32156 A1	01 Jul. 1999	WO			N/A

**OTHER** (Including Author, Title, Date, Pertinent Pages, etc.)

A9	Illum, L., et al., "Surface area stability of micronized steroids sterilized by irradiation", <u>Arch. Pharm. Chemi Sci. Ed.</u> , Vol. 2, Pp. 167-174, (1974).
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Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609.  
 Draw line through citation if not in conformance and not considered.  
 Include copy of this form with next communication to Applicant.